

Served: January 27, 1998



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC**

Issued by the Department of Transportation  
on the 21<sup>st</sup> day of January, 1998

**Applications of**

**American Airlines, Inc.**

**Gemini Air Cargo, LLC**

**Hawaiian Airlines, Inc.**

**Northwest Airlines, Inc.**

**United Air Lines, Inc. and Lufthansa  
German Airlines**

**United Air Lines, Inc.**

**US Airways, Inc.**

for exemptions or authorities under 49 U.S.C. section  
40109 and the orders and regulations of the  
Department of Transportation

**Dockets OST-95-928  
OST-97-3223\*  
Undocketed**

**OST-96-1992  
OST-96-1993**

**OST-95-929**

**OST-95-325**

**OST-95-369**

**OST-95-556**

**OST-96-1000  
OST-97-3179**

\*The referenced Notice contains minor editorial or technical changes from the Notice originally issued. Any changes that we have made are nonsubstantive in nature and do not affect the authority described in the original Notice in question. To the extent that, following the issuance of a confirmation order, parties or other persons have need to rely on the content of a Notice of Action Taken, they should regard the language in the Notice attached to the order, rather than the language of the original Notice, as the language that the Department is in fact confirming.

## ORDER

The captioned U.S. air carriers and foreign carriers have applied for various forms of authority or relief from Title 49 of the U.S. Code or regulations or orders of the Department in order to perform the air transportation activities shown in the attached Notices of Action Taken. Except as noted, no answers were filed to these requests.

Because of the imminence of these operations, we approved them by telephone, subject to adherence, by each applicant, to the conditions set forth in its certificate(s) of public convenience and necessity, and/or conditions attached.

We carefully considered the information set forth in each application described in the attached Notices of Action Taken, and we found that each of the proposed operations was consistent with the public interest and was consistent with an applicable bilateral aviation agreement and/or the aviation relationship between the United States and the foreign country involved, that each applicant was qualified to perform its proposed operations, and that each application should be approved.

Under authority assigned by the Department in its Regulations, 14 CFR Part 385, we found that for each operation (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption or authority was consistent with the public interest; and (3) grant of this authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.<sup>1</sup>

### ACCORDINGLY,

1. We confirm the actions described in the attached Notices of Action Taken, which granted the referenced U.S. and foreign air carriers (1) exemptions from the provisions of Sections 41101 and 41301, where necessary 41504 or as noted in the attached notices, other sections of Title 49 U.S.C.; or (2) relief or authorizations as provided for under regulations or orders of the Department, to the applicants to perform the operations described in the attached Notices of Action Taken;
2. In the conduct of the service, each applicant was to adhere to the conditions set forth in the Appendices, and to any other conditions as noted in the attached Notices of Action Taken;

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<sup>1</sup> On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found that each U.S. and foreign air carrier applicant for an operating exemption is qualified to provide the services authorized.

3. To the extent not granted, or explicitly deferred as noted in the attached Notices of Action Taken, these applications are denied; and
4. We may amend, modify, or revoke this order at any time without hearing.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within ten (10) days after the date of service of this order. The filing of a petition for review of a particular action shall affect this order only as it concerns that action.

These actions were effective when taken, and the filing of a petition for review will not alter their effectiveness.

By:

PAUL L. GRETCH  
Director  
Office of International Aviation

(SEAL)

**U.S. Carrier**  
**Standard Exemption Conditions**

In the conduct of the operations authorized by the attached order, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with the requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted or confirmed by the attached order shall be effective only during the period when the holder is in compliance with the conditions imposed above.

**CONDITIONS OF AUTHORITY**

In the conduct of the operations authorized, the holder shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
- (2) Comply with all applicable requirements of the Federal Aviation Administration, including, but not limited to, 14 CFR Parts 129, 91, and 36;
- (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Federal Aviation Administration's Program Management Branch (AFS-260), Flight Standards Service (any changes to, or termination of, insurance also shall be filed with that office);
- (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
- (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
- (6) Comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are:
  - (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or
  - (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States.

In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;

- (8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;
- (9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;
- (10) If charter operations are authorized, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and
- (11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code (formerly the Federal Aviation Act of 1958, as amended).

## RENEW



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**January 7, 1998**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **American Airlines, Inc.** filed **11/26/97** in Docket **OST-95-928** for:

**XX** Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between Dallas/Ft. Worth, Texas, and Paris, France.**

Applicant rep.: **Carl Nelson, (202) 496-5647** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted*

The above action was effective when taken: **January 7, 1998,** through **January 7, 2000**

**XX** Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)*

**XX** Authority granted is consistent with the overall state of aviation relations between the United States and France.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** Holder's certificate of public convenience and necessity

**XX** Standard Exemption Conditions (attached)

NEW



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**December 23, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of AMERICAN AIRLINES, INC., filed 12/11/97 in Docket OST-97-3223 for:

**XX** Exemption for one year under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between the terminal point Miami, Florida, and the terminal point Cozumel, Mexico. American also requests authority to integrate this service with its existing certificates and exemptions to serve Mexico.**

Applicant rep: Carl B. Nelson, Jr. (202)496-5647 DOT Analyst: Linda Lundell (202)366-2336

### DISPOSITION

**XX Granted (see remarks)**

The above action was effective when taken: December 15, 1997, through December 15, 1998, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

**XX** Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of this  
action.)*

**XX Authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX Holder's certificate of public convenience and necessity**

**XX Standard Exemption Conditions (attached)**

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**Special Conditions/Remarks:** The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2. Consistent with our standard practice, the dormancy notice period will begin April 5, 1998, American's proposed start-up date for this service.

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served with the application.

NEW



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**January 5, 1998**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **American Airlines, Inc.** filed **11/21/97** in **Undocketed** for:

**XX** Statement of Authorization under 14 CFR Part 207 to:

**Display South African Airways' "SA" designator code on flights operated by American in the following market:**

**Miami to/from: Seattle/Tacoma<sup>1</sup>**

American states that the code-sharing service will be operated in conjunction with SAA's transatlantic flights between South Africa and its Miami gateway, and that the carriers propose to commence this additional code-sharing service in early 1998.

No answers were filed to the application.

Applicant rep.: **Carl B. Nelson, Jr. 202-496-5647** DOT analyst: **Linda Senese, 202-366-2367**

### DISPOSITION

**XX** *Granted, subject to conditions (See below)*

*The above action was effective when taken: **January 5, 1998,** through **December 8, 1998**  
(coextensive with South African Airways exemption approval)*

**XX** *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

**(See Reverse Side)**

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<sup>1</sup> American's application also included authority to display South African Airways' designator code in the following markets: Miami to/from: Jacksonville, New Orleans, Raleigh/Durham, San Juan, Tampa; and New York (JFK) to/from: Baltimore/Washington, Buffalo, Cleveland, Columbus, Pittsburgh, Raleigh/Durham, San Diego and San Juan. Approval for these markets was previously granted (see Notice of Action Taken, dated December 8, 1997). Action on Miami-Seattle/Tacoma was deferred, pending receipt and action on an application by South African Airways for authority to serve the South Africa-Seattle/Tacoma market. That application was subsequently filed and granted, making it possible to proceed to act on American's request to code share in the Miami-Seattle/Tacoma market.



**XX Authority granted is consistent with the aviation agreement between the United States and the Republic of South Africa.**

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX Holder's certificate of public convenience and necessity**

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**Special Remarks:** The authority granted is coextensive with the duration of the exemption granted South African Airways on December 18, 1997.

**Conditions:** The code-sharing operations authorized herein must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere, and that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept all obligations established in its contract of carriage with the passenger.



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## RENEW

# NOTICE OF ACTION TAKEN

**December 15, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Gemini Air Cargo, LLC** filed **10/16/97** in Docket **OST-96-1992** for:

**XX** Renew exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of property and mail between New York, NY; Columbus, OH; Chicago, IL; and San Francisco and Los Angeles, CA; on the one hand, and Hong Kong, on the other. Gemini also seeks to integrate this authority with its U.S. Taiwan exemption authority.**

Applicant rep.: **Moffett B. Roller, 202-962-9440** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted (subject to conditions, see below)*

The above action was effective when taken: **December 12, 1997,** through **December 12, 1998**

**XX** Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

**XX** **Authority granted is consistent with the aviation agreement between the United States and Hong Kong.**

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** **Holder's certificate of public convenience and necessity**

**XX** **Standard Exemption Conditions (attached)**

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**Conditions:** The route integration authority granted is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Gemini rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Gemini notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in

(See Reverse Side)

Gemini's authority by virtue of the route integration exemption granted here, but that are not then being used by Gemini, the holding of such authority by route integration will not be considered as providing any preference for Gemini in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## RENEW

# NOTICE OF ACTION TAKEN

**December 15, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Gemini Air Cargo, LLC** filed **10/16/97** in Docket **OST-96-1993** for:

**XX** Renew exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of property and mail between New York, NY; Columbus, OH; Chicago, IL; and San Francisco and Los Angeles, CA; on the one hand, and Taipei, Taiwan, on the other. Gemini also seeks to integrate this authority with its U.S.-Hong Kong exemption authority.**

Applicant rep.: **Moffett B. Roller, 202-962-9440** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted (subject to conditions, see below)*

The above action was effective when taken: **December 12, 1997,** through **December 12, 1998**

**XX** Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

**XX** **Authority granted is consistent with the aviation agreement between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States (TECRO).**

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** **Holder's certificate of public convenience and necessity**

**XX** **Standard Exemption Conditions (attached)**

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**Conditions:** The route integration authority granted is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in our award of the route integration authority requested should be construed as conferring upon Gemini rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Gemini notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in

(See Reverse Side)

Gemini's authority by virtue of the route integration exemption granted here, but that are not then being used by Gemini, the holding of such authority by route integration will not be considered as providing any preference for Gemini in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

## RENEW



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**January 7, 1998**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Hawaiian Airlines, Inc.** filed **10/10/97** in Docket **OST-95-929** for:

**XX** Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between Honolulu, Hawaii, and Nadi, Fiji. The State of Hawaii filed an answer in support of Hawaiian's application.**

Applicant rep.: **Jonathan Hill (202) 776-2000** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted*

*The above action was effective when taken: **January 7, 1998,** through **January 7, 2000***

**XX** Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)*

**XX** Exemption authority granted is consistent with the aviation agreement between the United States and Fiji.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** Holder's certificate of public convenience and necessity

**XX** Standard Exemption Conditions (attached)

# AMEND



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**December 19, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of **Northwest Airlines, Inc.** filed **11/25/97** in Dockets **OST-95-325 and 97-2679** for:

**XX** Amendment of existing exemption authorities under 49 U.S.C. 40109 in Dockets OST-95-325 and OST 97-2679 in order to:

**Engage in scheduled foreign air transportation of persons, property, and mail between (1) points in the United States, and points in the United Kingdom (except London's Heathrow Airport), via London (Gatwick), and (2) points in the United States and points in the United Kingdom (except London's Heathrow and Gatwick Airports), via Amsterdam. Northwest intends to operate this service pursuant to a code-share arrangement with Air U.K. Limited.**

**XX** Consolidation of its applications in Dockets OST-95-325 and OST-97-2679 into one docket (OST-95-325).

Applicant rep.: **Megan Rae Poldy, 202-842-3193** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** Granted amendment and consolidation in Docket OST-95-325 (subject to conditions, see below)

The above action was effective when taken: **December 17, 1997,** through **July 24, 1998**

**XX** Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)

**XX** Authority granted is consistent with the U.S.-U.K. Memorandum of Consultations dated June 5, 1995.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** Holder's certificate of public convenience and necessity

**XX** Standard Exemption Conditions (attached)

(See Reverse Side)

**Conditions:** The code-sharing operations conducted under this authority must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted, and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere, that the carrier selling such transportation accept all obligations established in its contract of carriage with the passenger (*i.e.*, the ticket), and that the operator shall not permit the code of its U.S. carrier code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.

In keeping with Department policy (see, for example, Statement of Authorization granted April 30, 1997, to Delta Air Lines, Inc., and Austrian Airlines), we find that it is in the public interest to require Northwest and/or Air U.K. to notify the Department (Office of International Aviation, Room 6412), by letter, no later than 30 days before they begin any new code-share service under the code-share services authorized here. Such notice shall identify the markets(s) to be served and the date on which the service will begin.

Consistent with our normal practice, the authority granted is coextensive with the duration of the amended statement of authorization granted to Air U.K. on December 16, 1997.



## RENEW & AMEND



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**December 29, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Joint Application of **United Air Lines, Inc. and Lufthansa German Airlines** filed **1/21/97** in Docket **OST-95-369** for:

**XX** Renew exemption from 49 U.S.C. section 41301 to permit Lufthansa to (a) engage in scheduled foreign air transportation of persons, property, and mail between points in Germany and points in the United States (*i.e.*, third/fourth freedom services) pursuant to a code-sharing arrangement with United on flights between Lufthansa's authorized U.S. gateways and points in the United States and (b) to integrate its services to Washington, DC with its other authorized U.S. gateways so that all of its authorized U.S. gateways may be served on a coterminous basis.

**XX** Renew statement of Authorization for United under 14 CFR Part 207 to engage in code-sharing operations with Lufthansa authorized in the above paragraph.

**XX** Renew statement of Authorization for United and Lufthansa under Part 207 and 212, respectively, to engage in code-sharing operations between any U.S. gateway Lufthansa is authorized to serve and any point in Germany (nonstop or over intermediate points on a blind-sector basis only).

**XX** Amend statement of Authorization for Lufthansa under Part 212 to permit it to engage in code-share operations with United on flights that Lufthansa operates as follows: (a) between any two points in Germany, on a blind sector basis;<sup>1</sup> (b) between a point or points in Germany, on the one hand, and the following third-country points on a blind-sector basis (*i.e.*, without local traffic rights):<sup>2</sup> Vienna, Austria; Prague, Czech Republic; Copenhagen, Denmark; Cairo, Egypt; Helsinki, Finland; Lyon and Nice, France; Athens, Greece; Budapest, Hungary; Mumbai (formerly Bombay) and Delhi, India;<sup>3</sup> Nairobi, Kenya; Kuwait; Warsaw, Poland; Moscow, Russia; Jeddah and Riyadh, Saudi Arabia; Stockholm, Sweden; Geneva, Switzerland; and Istanbul, Turkey; (c) between London, England, on the one hand, and Berlin, Hamburg and Munich, Federal Republic of Germany, on the other.

(See Reverse Side)

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<sup>1</sup> Lufthansa's current statement of authorization permits it to engage in code-share operations with United on flights that Lufthansa operates between Frankfurt and other named German points. The amendment it has requested would enable Lufthansa to engage in code-share operations with United between any two points in Germany.

<sup>2</sup> Lufthansa's current statement of authorization permits it to engage in code-share operations with United on flights that Lufthansa operates beyond Germany from Frankfurt. The amendment it has requested would also enable Lufthansa to engage in such beyond-Germany code-share operations with United from German points other than Frankfurt.

<sup>3</sup> By Order 97-2-26, the statement of authorization was amended to include Madras, India. That authority expires March 3, 1999. For administrative efficiency we have extended the Madras authority coextensive with the statement of authorization renewal granted by this Notice.

(See Next Page)

**Remarks:** The authority for which United and Lufthansa requested renewal expired March 22, 1997, but had been kept in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on the carriers' timely filed renewal application.

**Answers:** American filed an answer stating that it did not oppose United's application for renewal but opposed any amendment to enhance that authority until approval of the American/British Airways alliance, pending in Docket OST-97-2058. United filed a reply, stating that its proposed amendment is fully consistent with the U.S.-Germany open skies agreement, and that there is no legal or logical connection between the requested code-share amendment and the approval sought by American and British Airways.

We were not prepared to defer or deny the United and Lufthansa joint application to amend their code-share authority. The authority requested is consistent with the open-skies aviation agreement between the United States and the Federal Republic of Germany. American presented no public interest arguments that warranted withholding approval of the bilaterally provided for authorities requested. We, therefore, found that approval of the requested authorities is in the public interest.

## RENEW



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**December 15, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Applications of **United Air Lines, Inc.** filed **10/28/97** in Docket **OST-95-556** for:

**XX** Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between Atlanta, Georgia; Houston, Texas; and Orlando and Tampa, Florida; on the one hand, and points in the Cayman Islands, on the other, and to integrate this authority with its existing certificate authority on Routes 57 and 632, as well as its other existing certificate and exemption authority. United intends to provide this service pursuant to a code-share arrangement with Cayman Airways, Ltd.**

Applicant rep.: **Joel Stephen Burton, 202-637-9130** DOT analyst: **Sylvia Moore, 202-366-6519**

### DISPOSITION

**XX** *Granted (subject to conditions, see below)*

*The above action was effective when taken:* **December 12, 1997,** through **December 12, 1999**

**XX** Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

**XX** Exemption authority granted is consistent with the aviation agreement between the United States and the United Kingdom.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** Holder's certificate of public convenience and necessity

**XX** Standard Exemption Conditions (attached)

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**Conditions:** The code-sharing operations conducted under the authority granted herein must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted, and are expressly conditioned upon the  
(See Reverse Side)

requirements that the foreign air transportation be sold in the name of the carrier holding out the service in computer reservation systems and elsewhere, that the carrier selling such transportation accept all obligations established in the contract of carriage with the passenger (*i.e.*, the ticket) and that the operator shall not permit the code of its U.S. code-sharing partner to be carried on any flight that enters, departs or transits the airspace of any area for whose air space the Federal Aviation Administration has issued a flight prohibition, and that operations of the service does not require use of U.S. carrier frequencies for U.S.-Cayman Island services.

The route integration authority granted is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon United rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless United notifies us of its intent to serve such a market and unless and until the Department has completed any necessary selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in United's authority by virtue of the route integration exemption granted here, but that are not then being used by United, the holding of such authority by route integration will not be considered as providing any preference for United in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

The exemption authority granted is coextensive with the duration of the statement of authorization granted to Cayman Airways on December 12, 1997.

## RENEW



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**January 7, 1998**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of US Airways, Inc. filed 12/3/97 in Docket OST-96-1000 for:

XX Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between Philadelphia, Pennsylvania, and Paris, France.**

Applicant rep.: Richard D. Mathias 202-298-8660 DOT analyst: Sylvia Moore, 202-366-6519

### DISPOSITION

XX *Granted*

The above action was effective when taken: January 7, 1998, through January 7, 2000

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)

XX Authority granted is consistent with the overall state of aviation relations between the United States and France.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

NEW



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

**December 18, 1997**

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*This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.*

Application of US Airways, Inc. filed 12/1/97 in Docket OST-97-3179 for:

**XX** *Exemption for two years under 49 U.S.C. 40109 to provide the following service:*

**Scheduled foreign air transportation of persons, property, and mail between Philadelphia, Pennsylvania, and Amsterdam, the Netherlands. The City of Philadelphia, Division of Aviation, filed an answer in support of US Airways' application.**

Applicant rep.: Richard D. Mathias, 202-298-8660 DOT analyst: Sylvia Moore, 202-366-6519

### DISPOSITION

**XX** *Granted*

*The above action was effective when taken: December 18, 1997, through December 18, 1999*

**XX** *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of  
this action.)*

**XX** *Authority granted is consistent with the aviation agreement between the United States and the Netherlands.*

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:*

**XX** *Holder's certificate of public convenience and necessity*

**XX** *Standard Exemption Conditions (attached)*